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| EXAMINER | |
|---|---|
| LIN, WEN TAI | |

| ART UNIT | PAPER NUMBER |
|---|---|
| 2154 | |

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | Application No. | Applicant(s) | |
|---|---|---|---|
| | 09/836,864 | BERTOLUS ET AL. | |
| | Examiner | Art Unit | |
| | Wen-Tai Lin | 2154 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☒ Responsive to communication(s) filed on *16 November 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-17,19-36,38-52,54-68 and 70-83* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17, 19-36, 38-52, 54-68 and 70-83* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

## DETAILED ACTION

1. Claims 1-17, 19-36, 38-52, 54-68 and 70-83 are presented for examination. Claims 18, 37, 53 and 69 have been canceled and claims 1-17, 19-36, 38-52, 54-68 and 70-83 have been amended.

2. The text of those sections of Title 35, USC code not included in this action can be found in the prior Office Action.

3. Claims 35-67 are objected to because the following terms lack antecedent basis:

In claim 35, "the priority listing";

In claim 36, "the central computer"; and

In claim 52, "the network".

### *Claim Rejections - 35 USC § 103*

4. Claims 1-5, 7-11, 13-14, 16, 17, 19-21, 24-28, 30-31, 33-36, 38-40, 42-46, 48-49, 51-52, 54-56, 58-62, 64-65, 67-68, 70-72, 74-78, 80-81 and 83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] in view of Lin et al.(hereafter "Lin")[U.S. Pat. No. 6052785].

5. Domenikos and Lin are cited from the previous office action.

6. As to claim 17, Domenikos teaches the invention substantially as claimed including: a method for retrieving and processing stored information in a network containing address data, which is categorised into a priority listing [Abstract; Fig.4], comprising the steps of:

sending a message from a remote computer to a central computer in the network identifying the remote computer and indicating that the remote computer is available to retrieve and process stored information from address data [col.3, lines 6-18; col.14, lines 3-8];

receiving the message in the central computer and comparing the identity of the remote computer to stored identities for remote computers in the central computer [col.21, lines 34-37; col.12, lines 34-50; col.21, lines 37-42];

in response to a match identifying the remote computer in the stored identities, retrieving at least one characteristic of the remote computer from stored characteristics in the central computer [col.14, lines 9-22];

assigning and sending a processing message to the remote computer including address data selected by comparison of at least one characteristic of the remote computer with the priority listing of the address data to retrieve [col.14, lines 9-22 and col.21, lines 42-44];

retrieving and processing information from the address data by the remote computer [col.14, lines 30-34; col.14, lines 35-58]; and

sending the processed information from the address data to a predetermined storage location [216, Fig.6; col.18, lines 52-67].

Domenikos does not specifically teach that in response to a failure to identify the remote computer in the stored identities, optionally assigning an identity for the remote computer and a predetermined characteristic.

However, Lin teaches that in response to a failure to identify the remote computer in the stored identities, optionally assigning an identity for the remote computer and a a predetermined processing characteristic [Lin: col.9, lines 30-40 and 46-53]

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Lin within the system of Domenikos, by optionally assigning an identity for the remote computer and a predetermined processing characteristic in response to a failure to identify the remote computer, within the retrieving and processing stored information in a network method, system and program because Domenikos teaches that any suitable file access control program may be employed [col.12, lines 52-60].

Further, Domenikos and Lin do not specifically teach that said characteristic of the remote computer comprises a measure of network connectivity of the remote computer,

and said address data is selected in such a way as to minimize the communication cost of connection with the remote computer.

However, Domenikos teaches a process that "include[s] a step of selecting one of the

plural redirector elements to translate the file system requests. The step of selecting the redirector element can be made as a function of any suitable criteria or characteristic including the types of file systems, as well as a measure of the transmission latency time of each of the networks, as well as the transmission protocols of the networks." The process further includes creating caches memory to mirror remote file systems [col.3, lines 32-66], which would obviously reduce the transmission latency time.

Thus, it is obvious to one of ordinary skill in the art that in the process of selecting R1's redirector element, the goal of minimizing the communication cost of connection with the remote computer can be achieved by (1) choosing a cache memory (when available) rather than a remote file system and (2) reducing the transmission latency time (as taught by Domenikos) because both approaches would ultimately minimized the connection time between a client and the associated remote computers.

7. As to claim 19, Domenikos further teaches that said measure of the network connectivity of the remote computer is determined with reference to at least one of the server computers to which the remote computer is connected [col.17, lines 22-29].

8. As to claim 20, Domenikos further teaches that the step of selecting said address data includes a comparison of a processing characteristic of the remote computer with a priority listing of the address data [col.14, lines 9-29].

9. As to claim 21, Domenikos further teaches that said priority listing for a particular data address is determined on the basis of activity at that address [col.3, lines 32-50].

10. As to claim 24, Domenikos further teaches that the remote computer communicates with the central computer over a Transmission Control Protocol/Internet Protocol based network [col.10, line 65 – col.11, line 1].

11. As to claim 25, Domenikos further teaches that the remote computer communicates with the central computer over a local area network [col.9, lines 35-43].

12. As to claim 26, Domenikos further teaches that the address data comprises a location of stored information on the Internet [col.14, lines 30-34].

13. As to claim 27, Domenikos further teaches that the remote computer is directly connected to the computer on which the information to be retrieved is stored, such that the remote computer is able to retrieve said information without using the Internet [col.17, lines 48-56; col.18, lines 12-17].

14. As to claim 28, Domenikos further teaches that the step of sending a message to the central computer is initiated in response to a message from the central computer to ascertain if the remote computer is available to retrieve and process stored information from address data [col.13, lines 1-11; col.14, lines 9-19].

15. As to claim 30, Domenikos further teaches that the processing message includes a task and the raw data, and the raw data is processed in accordance with the task [col.11, lines 31-42].

16. As to claim 31, Domenikos further teaches that the address data comprises a batch of URLs (Universal Resource Locators) [col.14, lines 20-22].

17. As to claim 33, Domenikos further teaches that the predetermined storage location is at least one server computer communicating with the remote computer and the central computer [col.17, lines 22-29].

18. As to claims 1-5, 7-11, 13-14, 16, 34-36, 38-40, 42-46, 48-49, 51-52, 54-56, 58-62, 64-65, 67-68, 70-72, 74-78, 80-81 and 83, since the features of these claims can also be found in claims 17, 19-21, 24-28, 30-31 and 33, they are rejected for the same reasons set forth in the rejection of claims 17, 19-21, 24-28, 30-31 and 33 above.

19. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] and Lin et al. (hereafter "Lin")[U.S. Pat. No. 6052785], as applied to claims 17-21, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81 and 83 above, further in view of Schuetze et al.(hereafter "Schuetze")[U.S. Pat. No. 6751612].

20. Domenikos, Lin and Schuetze are cited from the previous office action.

21. As to claim 22, Domenikos does not specifically teach that said priority listing for a particular data address is determined on the basis of the frequency of updating the information at that address, or on the basis of the level of functionality associated with the information at that address.
However, Schuetze teaches a method of improving search efficiency for data distributed among a plurality of servers by ranking the servers in terms of frequency in which content is altered [Abstract; col.10, line 66 – col.11, line 4].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ Schuetze's teaching within the system of Domenikos so that Domenikos's file servers are ranked based on the information update rate because by doing so it would facilitate the search process by finding the most potential server for updated data [Domenikos: col.17, lines 44-64].

22. Claims 6, 15, 23, 32, 41, 50, 57, 66, 73 and 82 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] and Lin et al. (hereafter "Lin")[U.S. Pat. No. 6052785], as applied to claims 17-22, 24-28, 30-31, 33-40, 42-46, 48-49, 51-56, 58-62, 64-65, 67-72, 74-78, 80-81 and 83 above, further in view of Ueno et al.(hereafter "Ueno")[U.S. Pat. No. 5999995].

23. Domenikos, Lin and Ueno are cited from the previous office action.

24. As to claims 6 and 23, Domenikos does not specifically teach that at least one characteristic of the remote computer comprises the time historically taken by that remote computer to process one unit of address data.
However, Ueno teaches that the remote processing characteristic is determined with reference to the time historically taken by the remote computer to process one unit of address data [col.4, lines 7-16].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Ueno within the system of Domenikos by implementing determining processing characteristic with reference to a processing time within the retrieving and processing stored information in a network method, system and program because such means enables the system to determine which files to provide to the client in a more efficient manner such that delay avoidance is maximized [Domenikos: col.2, lines 63-65 and col.13, lines 1-12].

25. As to claims 15 and 32, Domenikos does not specifically teach that the processed information is sent to the central computer in a compressed and streamed format.

However, Ueno teaches that the processed information is sent to the central computer in a compressed and streamed format [col.4, lines 53-56; col.6, lines 20-25].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Ueno within the system of Domenikos by sending the processed information in a compressed and streamed format because such means are known in the art to transfer data with greater accuracy and efficiency and Domenikos teaches that it is the object of the invention to overcome these deficiencies [col.2, lines 60-65].

26. As to claims 41, 50, 57, 66, 73 and 82, since the features of these claims can also be found in claims 17, 23, 32, 36, 52 and 68, they are rejected for the same reasons set forth in the rejection of claims 17, 23, 32, 36, 52 and 68 above.

27. Claims 12, 29, 47, 63 and 79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Domenikos et al.(hereafter "Domenikos")[U.S. Pat. No. 5838916] and Lin et al.(hereafter "Lin")[U.S. Pat. No. 6052785], as applied to claims 17-28, 30-46, 48-62, 64-78 and 80-83 above, further in view of Bakshi et al.(hereafter "Bakshi")[U.S. Pat. No. 6101328].

28. Domenikos, Lin and Bakshi are cited from the previous office action.

29. As to claims 12 and 29, Domenikos does not specifically teach that processed information is stored in the remote computer and sent to the predetermined storage location at predetermined times.

However, Bakshi teaches that processed information is stored in the remote computer and sent to the predetermined storage location at predetermined times [col.8, lines 45-54].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the teachings of Bakshi within the system of Domenikos by storing in the predetermined storage location at predetermined times within the retrieving and processing stored information in a network method, system and program because Domenikos teaches that applications can be automated [see Domenikos: col.17, lines 37-39].

30. As to claims 47, 63 and 79, since the features of these claims can also be found in claims 17, 29, 36, 52 and 68, they are rejected for the same reasons set forth in the rejection of claims 17, 29, 36, 52 and 68 above.

31. Applicant's arguments filed on 11/16/2004 for claims 1-17, 19-36, 38-52, 54-68 and 70-83 have been fully considered but they are not deemed to be persuasive.

32. Applicant argues in the remarks that:

1. Re. Claims 1, 17, 34-46, 52 and 68: there is no motivation for combining Domenikos and Lin because their objectives are different; and even if combinable, they do not teach the amended feature, which requires optimizing the retrieval of the stored information.

2. Re. 22: there is no motivation for combining Domenikos, Lin and Schuetze (claim 22); re. Claims 6, 15, 23, 32, 41, 50, 57, 66, 73 and 82: there is no motivation for combining Domenikos, Lin and Ueno; and re. Claims 12, 29, 47, 63, and 79, there is no motivation for combining Domenikos, Lin and Bakshi.

33. Examiner respectfully disagrees with applicant's remarks:

**As to point 1**: it is noted that Lin's teaching of authentication of computer users for access to remote data is combinable with Domenikos' system also requires authentication of a client [see, e.g., col.5, lines 26-34]. Furthermore, in the U.S.C. 103(a) rejection of claims 1, 17, 34-46, 52 and 68, the teaching that Lin is relied upon is about how to respond to a failure in identifying a remote computer. An ordinary skill in the art would recognize that Domenikos' system could also fail in identifying a remote computer. Thus the adoption of Lin's approach in Domenikos' system is straightforward because they are in the same field of endeavor. It is further noted that although the amended claim languages has included the words "optimize" or "minimizing", there is no specific teaching in

Applicant's specification as to how to achieve the optimization or minimization goal. As such, the words "optimize" and "minimize" are not considered as functional means; they are viewed as merely an objective of a system in this office action.

**As to point 2**: for the same reasons stated above, motivations needed in combining Domenikos, Lin and Schuetze, and likewise with Ueno, and Bakshi, respectively, were not judged upon how different their illustrated systems are, rather, they are provided under the fact that Schuetze, Ueno, and Bakshi teachings are relevant (and in the same field of endeavor) to Domenikos and Lin's system need when the latter encounters issues as what Schuetze's, Ueno's, or Bakshi's system each has encountered.

For at least the above reasons, it is submitted that the prior art of record reads on the claims.

34. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

35. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

***Conclusion***

Examiner note: Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the contest of the passage as taught by the prior art or disclosed by the Examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wen-Tai Lin whose telephone number is (571)272-3969. The examiner can normally be reached on Monday-Friday (8:00-5:00) .
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571)272-3964. The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

(703)872-9306 for official communications; and

(571)273-3969 for status inquires draft communication.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Wen-Tai Lin

June 8, 2005

Wen-Tai Lin
6/8/05